

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2515

Wednesday, May 28, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Midget	Alberty	Boulden, Legal
Cantrell	Perry	Fernandez	
Carnes	Sparks	Huntsinger	
Marshall		Matthews	
McArtor		Parker	
Shivel		Sansone	
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 22, 2008 at 11:09 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 2<sup>nd</sup> Vice Chair Shivel called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

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Mr. Shivel read the opening statement and rules of conduct for the TMAPC meeting.

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## CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LC-95** – Floyd Carr (6418)/Lot Combination (County)  
Southeast corner of East 201<sup>st</sup> Street and South Mingo
2. **L-20212** - Floyd Carr (6418)/Lot-Split (County)  
Southeast corner of East 201<sup>st</sup> Street and South Mingo
3. **L-20224** - John Koch (9329)/Lot-Split (PD 6) (CD 9)  
Northeast corner of South Florence Avenue and East 44<sup>th</sup> Street, 3109 East 44<sup>th</sup> Street
4. **PUD-579-A/PUD-579-B – PSA-Dewberry** (PD-18) (CD-8)  
Northerly 466.12 feet of Lot 4 and Lot 5, Tallgrass Office Park (10109 East 79<sup>th</sup> Street South (Detail Site Plan for a 52,871 SF expansion of the Cancer Treatment Center.)
5. **PUD-595-B/Z-5970-SP-5a – Sizemore Weisz & Associates** (PD-18-C) (CD-8)  
Northeast, of the northeast corner of 71<sup>st</sup> Street South and South Mingo Road (Corridor Detail Site Plan for construction of a 15,665 SF restaurant on Lots 7 and 8, Block 1.)
6. **Z-7024-SP-1 – Tim Terral/TEP** (PD-18) (CD-7)  
South of the southwest corner of 81<sup>st</sup> Street South and South Garnett Road (Detail Site Plan for Ridgecrest Subdivision.)

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry, Sparks "absent") to **APPROVE** the consent agenda Items 1 through 6 per staff recommendation.

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## **PUBLIC HEARING**

### **8. PUD-206 – Joel Slaughter**

(PD-18) (CD-8)

South of the southwest corner of 91<sup>st</sup> Street South and South Sheridan Road (Detail Site Plan for one 9,858 SF and one 6,342 SF mixed use commercial buildings.)

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for one 9,858 square foot (SF) and one 6,342 SF mixed use commercial buildings. The proposed uses, Use Units 11, 12, 13 and 14 are permitted uses within PUD-206.

The proposed 16,200 SF of floor area is within the 20,750 SF permitted by the PUD. Submitted plans meet all other applicable building height and setback limitations. Parking has been provided per the Zoning Code and all sight lighting will be limited to 12-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Sidewalks are being required along Sheridan Road. A pedestrian circulation plan requirement was not included in the approval of this PUD. Also, the applicant has informed INCOG that Sheridan Road is scheduled for widening in the near future. There are no other sidewalks along Sheridan Drive to the immediate north and south of the subject tract. ~~Therefore, staff recommends approval of a fee in lieu of the sidewalk requirement so a sidewalk may be installed at the time Sheridan Road is widened for capacity purposes.~~

Staff therefore recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – “Parcel 1” of Boatman’s Bank; Development Area A – PUD-206. ~~with the following conditions:~~

~~A fee in lieu of the sidewalk requirement is paid to the City of Tulsa so a sidewalk may be installed along Sheridan Road at the time the street is widened.~~

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

### **TMAPC COMMENTS:**

Mr. Walker asked Mr. French if Sheridan is scheduled for widening. In response, Mr. French stated that he doesn’t have that information.

Ms. Wright stated that last week, they said that since there, in the QuikTrip deal, since there was no monies allocated in certain bond issues, that Harvard would never be widened and therefore they didn’t need to file an easement in case it were to ever happen. In follow with that, if there is no knowledge right now that

this Sheridan Road will ever be widened and it is not in some type of written guarantee that it on the work somewhere, then we shouldn't assume that it will be in the foreseeable future. In all possibility, by the time that road is widened the sidewalk will need to be replaced anyway. In response Mr. Sansone stated that the applicant will be required to provide something from the City of Tulsa, Traffic Engineering Department, with the dates of the widening of Sheridan Road, before the detail site plans would be released. If there is no date, then the sidewalk requirement would be enforced. Basically, the applicant is requesting that his detail site plan be approved and allow staff and the applicant to work out whether the sidewalk are going in or not. The applicant is currently researching whether Sheridan is being widened and he is comfortable with the fact that he will be required to install sidewalks if he is unable to produce the proper documents.

Mr. Boulden stated that he hasn't actually seen the final version of the ordinance that was passed by the City Council and he doesn't know if it is effective yet. He encouraged the decision regarding fee-in-lieu of be passed until staff can find out if the ordinance is effective. The Planning Commission would have to waive the Subdivision Regulations, and that is not particularly discussed here, and it also is contingent upon some considerations of the Director of Public Works. It sounds if we are waiting to find out if Public Works has determined whether or not there will be construction in that area.

Mr. Sansone stated that his opinion would be to enforce the sidewalk requirement and if the sidewalks are removed by the City, then he believes it would not be the applicant's responsibility to put the sidewalks back. In response, Mr. Boulden answered affirmatively. Mr. Sansone commented that, in essence, what is the harm in requiring the sidewalks now and if there is no determination as to the date when Sheridan will be widened then at least sidewalks are in place now?

Mr. Boulden suggested staff contact Public Works to find out how this all is to work regarding the fee-in-lieu-of.

**Applicant's Comments:**

**Joel Slaughter**, 115 West 5<sup>th</sup> Street, 74103; stated that he would be happy to do whatever the City requests or requires. He is not arguing the fact and just wants to do it right. His only issue would be the drainage ditch and there is no curb or shoulder. He does believe the most prudent thing to do is to wait, but he will do whatever the Planning Commission decides. Mr. Slaughter indicated that he didn't want a continuance.

**TMAPC COMMENTS:**

Mr. Ard explained that the Planning Commission is not sure where the ordinance is in the process.

Mr. Alberty stated that if the applicant would like to get his permit, then the detail site plan should be approved subject to the sidewalks being installed. If the applicant can provide and work out the situation with Public Works and gets their approval for fee-in-lieu, then it would require a PUD minor amendment and he could come back and request a PUD minor amendment to pay the fee-in-lieu of installation of the sidewalks. Typically the sidewalks are the last thing installed and it would give the applicant time to investigate the issue.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry, Sparks "absent") to **APPROVE** the detail site plan per staff recommendation, subject to the sidewalks being required. (Language with a strike-through has been deleted and language with an underline has been added.)

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**OTHER BUSINESS:**

**9. Amended TMAPC Minutes for March 5, 2008**

Amend minutes to reflect changes recommended by staff and approved by the Planning Commission during the March 5, 2008 TMAPC meeting for PUD-639-A-4.

**STAFF RECOMMENDATION:**

Mr. Sansone stated that the March 5, 2008 minutes have been approved; however, there were changes made to PUD-639-A-4 that were not reflected in the minutes. The minutes have been amended and staff request approval.

Mr. Sansone stated that there is still one change that was overlooked under Maximum Building Height for the southern building. Mr. Sansone cited the additional changes.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she thought the Planning Commission did agree to keep the wording "five stories not to exceed 66 feet".

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that either way, he would be limited to five stories, but if the Planning Commission would feel more comfortable with the language being reinserted, then he is fine with it.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; Wright "abstaining"; Midget, Perry, Sparks "absent") to **APPROVE** the amended March 5, 2008 minutes per staff recommendation, subject to reinserting language "not to exceed" by the Planning Commission.

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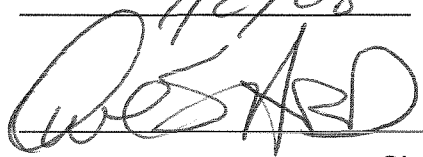
**Commissioners' Comments**

Ms. Cantrell reminded the Planning Commissioners that this evening at 6:00 p.m. there will be a forum at Harwelden regarding the "Taming the Teardowns".

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There being no further business, the 2<sup>nd</sup> Vice Chair declared the meeting adjourned at 1:57 p.m.

Date Approved:

7/2/08  


Chairman

ATTEST: Joshua A. Walk 7-2-08  
Secretary